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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,754	09/12/2003	Ho-Chao Huang	10112891	8169

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2210 MAIN STREET, SUITE 200
SANTA MONICA, CA 90405

EXAMINER

MOTSINGER, SEAN T

ART UNIT	PAPER NUMBER
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2624

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/661,754	Applicant(s) HUANG, HO-CHAO	
	Examiner Sean Motsinger	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/12/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/12/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Objections to the Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).
Correction of the following is required: In claim 1,6,11 the terms "first processed area", "first modification area" lack antecedent basis in the specification. In claim 2,7,12 the terms "second reference area" and "second processed area" lack antecedent basis. In claim 3,8,13 the terms "third processed area" and "first reference area" lack antecedent basis.

Objections to the Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "first processed area," "first modification area," "second reference area," "second processed area," "third processed area," and "first reference area" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be

renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Rejections Under 35 U.S.C. 112 1st Paragraph

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 3, 8 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

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5. Re claims 3, 8 and 13, claims 3, 8, and 13 contain the language "defining at least one first reference area of the first frame according to the first modification area".

The language "first reference area" is not used anywhere in the specification nor could one of ordinary skill in the art determine what applicant intended by first reference area or how it is different from the first modification area of claim 1 since the modification areas consist of the image sections to be modified. Since applicants disclosure states "Areas other than the modification area 331 in the modification frame are defined as original areas 335" if everything that is not a modification area is an original area it is not clear what is the first reference area.

Rejections Under 35 U.S.C. 112 2nd Paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1-10 are ejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
7. Re claim 1, 6, and 11, claim 1, 6, and 11, contains the language "acquiring a plurality of first frames" and later "the first frame" it is unclear which of the plurality of first frame is "the first frame." For the purposes of examination the examiner has

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interpreted "acquiring a plurality of first frames" to mean "acquiring a plurality of frames" and "the first frame" to mean "a first frame"

8. Re claims 2-5, 7-10, and 12-15, these claims are unclear because they fail to resolve the issues of claim 1.

9. Re claim 3, claim 3 is unclear because it was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. Since it is also unclear from the claim itself what applicant intends, claim 3 fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For the purpose of examination examiner has interpreted claim 3 to read "in the step of modifying the first modification area, if the first modification area refers to a third frame, the steps of: defining at least one third reference area of the third frame according to the first modification area; modifying the third reference area according to the first modification area to acquire a third processed area; and replacing the first reference area of the first frame with the third processed area."

Rejections Under 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claim 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Wee et al. US 6970510.
11. Re claim 1 Wee discloses a method of modifying a digital video stream according to the at least one insertion, the method comprising using a computer to perform the steps of: segmenting (sequence of image frames column 3 line 26 note in column 21 lines 43-44 that a sequence can be a portion (segment) of a movie (video stream)) the digital video stream (movie column 21 lines 43-44) into at least one video partition (sequence column 21 lines 43-44); acquiring a plurality of frames(at least two frames column 3 line 30) by analyzing (identifiyies location column 3 line 28) at least one video partition (sequence column 3 line 26); determining a first modification area (independently coded region) in a first frame (see column 3 line 30 note the the region is found in at least two frames) for at least one insertion (editing column 3 line 10); modifying (edited column 3 line 46) the first modification area (decompressed image data column 3 line 45) according to the at least one insertion to acquire a first processed area (edited data column 3 line 49); and replacing the first modification area (originally independently encoded region column 3 line 52) of the first frame with the first processed area (mixing edited data column 3 line 50) and thereby generating a final edited digital video stream.

12. Re claim 2 we further discloses in the step of modifying the first modification area, if the first modification area of the first frame refers to at least one second frame (column 3 line 30 note there exists least two frames containing the independently coded region), the steps of: defining at least one second reference area (Independently coded region in the second frame column 3 line 29-30 Note two frames contain the same the independently coded region) in the second frame according to the first modification area (Independently coded region in the first frame column 3 line 29-30); modifying the second reference area (Independently coded region in the second frame column 3 line 29-30) according to the first modification area (Independently coded region of the first frame column 3 line 29-30) to acquire a second processed area (edited data column 3 line 49 note that both frames are edited); and replacing the second reference area (Independently coded region in the second frame column 3 line 29-30) of the second frame with the second processed area (edited data column 3 line 49 note that both frames are edited).
13. Re claim 3 Wee further discloses in the step of modifying the first modification area, if the first modification area refers to a third frame, the steps of: defining at least one third reference area (column 3 lines 30 independently coded region of a third frame) in the third frame (column 3 lines 30 note at least two frames implies that three frames also may be used) according to the first modification area (column 3 line 30 independently coded region of the first frame); modifying (edited column 3

line line 46) the third reference area according to the first modification area to acquire a third processed area (edited data column 3 line 49); and replacing (mixed back column 3 lines 50-51) the first reference area of the first frame with the third processed area(edited data column 3 line 49).

14. Re claim 4 Wee further discloses in the step of modifying the second reference area, the first modification area and the second reference area are decompressed for modification (column 3 line 39 note that the independently coded region is decompressed.)
15. Re claim 5 Wee further discloses after modification, compressing (column 3 line 49) the first modification (edited data column 3 line 49).
16. Re claim 6, Claim 6 is discloses as, a video segmentation unit, video analysis unit, a video processing unit and a video replacement unit which perform each of the steps of claim 1 respectively. Since all these steps are preformed in Wee (see rejection for claim 1) there must be a corresponding system with units to perform the method.
17. Re claim 7, Claim 7 is discloses as, video processing unit performs the steps of claim 2 respectively. Since all these steps are preformed in Wee (see rejection for claim 2) there must be a corresponding system with units to perform the method.

18. Re claim 8, Claim 8 is discloses as, video processing unit performs the steps of claim 3 respectively. Since all these steps are preformed in Wee (see rejection for claim 3) there must be a corresponding system with units to perform the method.
19. Re claim 9 Wee further discloses wherein, the first modification area and the second reference area are decompressed for modification (column 3 line 39 note that the independently coded region is decompressed.)
20. Re claim 10 Wee further discloses after modification, compressing (column 3 line 49) the first modification (edited data column 3 line 49).
21. Re claim 11 claim 11 is discloses A storage medium for storing a computer program providing a method of claim 1 (see rejection for claim 1.) Wee discloses this method and discloses implementing the method in software and on a computer (see column 2 lines 65-67.)
22. Re claim 12 claim 12 is discloses A storage medium for storing a computer program providing a method of claim 2 (see rejection for claim 2.) Wee discloses this method and discloses implementing the method in software and on a computer (see column 2 lines 65-67.)

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23. Re claim 13 claim 13 is discloses A storage medium for storing a computer program providing a method of claim 3 (see rejection for claim 3.) Wee discloses this method and discloses implementing the method in software and on a computer (see column 2 lines 65-67.)

24. Re claim 14 claim 14 is discloses A storage medium for storing a computer program providing a method of claim 4 (see rejection for claim 4.) Wee discloses this method and discloses implementing the method in software and on a computer (see column 2 lines 65-67.)

25. Re claim 15 claim 15 is discloses A storage medium for storing a computer program providing a method of claim 5 (see rejection for claim 5.) Wee discloses this method and discloses implementing the method in software and on a computer (see column 2 lines 65-67.)

Conclusion

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Motsinger whose telephone number is 571-270-1237. The examiner can normally be reached on 9-5 M-F.

27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571)272-7429. The fax phone number

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for the organization where this application or proceeding is assigned is 571-273-8300.

28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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1/30/2007


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